IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

W.P.NO.2137 OF 2003

Mrs.Mariambai w/o Abubakr Allana
and Ors. ..Petitioners

Vs.

The Bombay Municipal Corporation
and Ors. ..Respondents

...

None for Petitioners
Ms.T.Puranik Advocate for Respondent No.1
Mr.A.Sayed AGP for Respondent Nos.2 and 4

...

CORAM: F.I.REBELLO AND
SMT.V.K.TAHILRAMANI,JJ.
DATE : JUNE 6, 2006

P.C.

1. When the matter was called out, none present for the Petitioners. Petition is in the matter of allegation of illegal construction by Respondents Nos. 5 and 6 and failure of Respondent No.1 to take action. Respondent No.1 filed reply through Shri.Kakad S.K.(S.E.). In paras 5 and 6, he sets out that the petitioner has not joined the tenants against whom the petitioners have made a grievance and the structure found, was quiet old. Considering the above facts, in our opinion, it would not be a fit case to exercise the writ

jurisdiction. It will be open to the petitioners if so advised, to file appropriate proceedings by way of suit.

2. With above observation, the petition stands disposed of.

[F.I.REBELLO, J.]

[SMT.V.K.TAHILRAMANI,J.]